

| PERFORMANCE INDICATOR REFERENCE SHEET<br>for Combating Wildlife Crime Toolkit (version 1.3) |   |
|---|---|
| Reference Information*  | Definition/Guidance   |
| <b>Name of Indicator</b>  | <b>11.5.b Probability of appropriate sentences being served</b>   |
| <b>Name of Result Measured</b>  | This indicator is linked to Key Result 11.5 ( <i>Increased probability of appropriate penalty/deterrent applied to conviction</i> ), which is one of several in Group Box 11 ( <i>Increased risks for wildlife criminals</i> ) shared by most strategic approaches in the <a href="#">Combating Wildlife Crime Toolkit</a> . This indicator may be relevant for activities applying strategic approaches 2-8 and 10 in the toolkit, which all include Group Box 11.   |
| <b>Is this a USAID PPR Indicator? Y/N</b>   | <i>If Yes, note which years the indicator will be reported in the Performance Plan and Report (PPR) and identify to which program element it links in the Foreign Assistance Standardized Program Structure and Definitions (SPSD).</i>   |
| <b>Precise Definition</b>   | <p>This indicator measures the likelihood that once convicted of a given wildlife (or associated) crime and sentenced with an appropriate penalty, a wildlife criminal will serve his/her sentence. That is, the sentence will not be reduced or dismissed except through a formal procedure (such as appeal to higher courts or a review leading to parole) and convicted prisoners will not be allowed to escape. It is derived from USFWS 2014.<sup>1</sup></p> <p>“Sentences” are formal pronouncements by a court or judge in a criminal proceeding that specify the punishment to be inflicted upon a convicted criminal. Sentences may be, but are not limited to, time to be served in incarceration and/or the amount of monetary fines to be paid.</p> <p>“Appropriate sentences” are those in which the punishment is scaled, within which the law allows, to the severity of the crime.</p> <p>Probability of appropriate sentences being served is calculated as:<br/> # of convictions of wildlife (or associated) crimes with appropriate sentences in which sentences are fully served / total # of convictions of wildlife (or associated) crime with appropriate sentences</p> <p>“Convictions of wildlife (or associated) crimes” are instances of the criminal prosecution of an individual resulting in a formal declaration of guilt, by the authorities in the same jurisdiction as the arrest was made.</p> |

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|   | <p>Associated crimes are those undertaken by a suspect while committing a given wildlife crime in order to facilitate that crime, minimize its risks, and/or to increase the benefits derived. Associated crimes can include, but are not limited, to: money laundering, trafficking in narcotics or timber, document fraud, tax evasion, corruption and bribery, and non-payment of fees, among others.</p> <p>Higher = better, assuming a fair and just system where those that are innocent are found innocent.</p> <p>It is important to note that in calculating the probability of appropriate sentences being served, implementers need to ensure that the specific set of convictions of wildlife (or associated) crimes with appropriate sentences in which sentences are fully served is a subset of their defined total number of convictions of wildlife (or associated) crime with appropriate sentences. That is, the probability of an appropriate sentence being served should reflect the likelihood that for a given conviction with an appropriate sentence, that sentence will be fully served. Correct calculation will require that individual cases of wildlife (or associated) crime convictions be tracked from sentencing until the time the sentence is satisfied or terminated.</p> <p>If it is <u>not</u> possible to track single cases, please see the “Data Sources” section below for guidance.</p> <p>If possible and appropriate to the project scope, this indicator should be measured in conjunction with other factors that are associated with increased risks for wildlife criminals, including: increased rate of detection (Key Result 11.1), increased probability of arrest (Key Result 11.2), increased probability of prosecution (Key Result 11.3), and increased probability of conviction (Key Result 11.4).</p> |
| Unit of Measure   | Probability of appropriate sentences being served  |
| Data Type   | Probability  |

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| <b>Disaggregated by</b>   | <p>Type of penalty: fine, time served, etc.</p> <p>Specific arrest charge (e.g., poaching, smuggling, purchasing illegal wildlife products, money laundering, etc.);</p> <p>Suspect's "level" (i.e., low-level, middleman, high-level/kingpin);</p> <p>Other disaggregates as useful</p>   |
| <b>Rationale for Indicator</b><br>(optional for USAID)  | <p>This indicator measures the likelihood that once convicted of a given wildlife (or associated) crime and sentenced with an appropriate penalty, a wildlife criminal will serve his/her full sentence. This indicator may also be relevant when the associated result appears in a customized chain.</p> <p>For all potential Group Box 11 ("increased risk") Key Result indicators, project/monitoring design teams should advocate for a "do no harm" principle by being cognizant of creating perverse incentives through their choice of indicator. It is likely that the data available to track these indicators is biased toward lower-level perpetrators; these are the easiest to catch and possibly convict (as opposed to middlemen and higher-level criminals and kingpins), and authorities and other partners can easily "count" these wins toward the achievement of their indicator. Thus, project teams should consider designing indicators that incentivize the capture of the largest-impact criminals. Overly criminalizing lower-level poachers can have an overall negative effect, particularly on communities, and can limit opportunity to cultivate allies in wildlife crime enforcement. Possible solutions to create proper incentives may be to disaggregate data by the criminal's "level" (e.g., low-level, middleman, high-level/kingpin) or by the number and severity of charges brought, and/or to focus data collection only on those crimes typically undertaken by middlemen or higher-level criminals.</p> |
| <b>Data Source</b>  | <p>Determining who (e.g., agencies and/or offices, as well as functional positions) collects what kinds of data, as well as who has authority and access to the data, is of paramount importance for all indicators associated with Key Results in Group Box 11. For more information, see "Method of Data Collection and Construction."</p>   |

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| <b>Method of Data Collection and Construction</b> | <p>Implementers should determine how crime data is collected and categorized (by specific offenses or in broad categories) locally, and then determine the most feasible method for tracking individual cases in subsequent steps of the enforcement-prosecution chain.</p> <p>Being allowed access to, and collecting, the data recommended for these indicators can be difficult, so it is recommended that project teams work through the recommended decision tree structure below to determine how – and if – to proceed with tracking steps in Group Box 11:</p> <p>Is data consistently collected?</p> <ul style="list-style-type: none"> <li>• If <b><u>yes</u></b>, do our implementing partners have access to data? <ul style="list-style-type: none"> <li>• If <b><u>yes</u></b>, include quantitative crime data in M&amp;E.</li> <li>• If <b><u>no</u></b>, is it feasible and “worth it” to support access to the data (most likely by supporting or partnering with those who do have access to the data)? <ul style="list-style-type: none"> <li>• If <b><u>yes</u></b>, include quantitative crime data in M&amp;E.</li> <li>• If <b><u>no</u></b>, look for alternative data (e.g., existing or new perception survey questions, such as asking audiences, “how likely do you think it is that a wildlife criminal will go to jail or pay a large fine? (not likely/somewhat likely/very likely/certain),” or asking rangers, “do you know other rangers who have let perpetrators go?” or use other randomized response techniques).</li> </ul> </li> </ul> </li> <li>• If <b><u>no</u></b>, is it feasible and “worth it” to support the collection of data as part of the project? <ul style="list-style-type: none"> <li>• If <b><u>yes</u></b>, include quantitative crime data in M&amp;E.</li> <li>• If <b><u>no</u></b>, look for alternative data (e.g., existing or new perception survey questions, such as asking audiences, “how likely do you think it is that a wildlife criminal will go to jail or pay a large fine? (not likely/somewhat likely/very likely/certain),” or asking rangers, “do you know other rangers who have let perpetrators go?” or use other randomized response techniques).</li> </ul> </li> </ul> |

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|   | <p>For this indicator, the data for convictions, associated sentences, and completion of those sentences are gathered from official records held by relevant authorities within jurisdictions.</p> <p>The design of data collection instruments and protocols for data collection and analysis should be informed by robust statistical methodologies and best practices in the field. Available guidance and models should be consulted when available.</p> <p>For all USAID-funded projects: Implementers should respect data ownership rights as well as data sensitivity issues. All data collected should be archived and made available through the Development Data Library (DDL) per <a href="#">ADS Chapter 579, USAID Development Data</a>. Note that this includes “datasets from which indicator values are derived” (ADS Chapter 579) and survey data.</p> |
| <b>Reporting Frequency</b>  | The frequency at which these data are measured will depend on the type of evidence, available survey techniques, and available records. Data should be reported at least annually.  |
| <b>Individual(s) Responsible at USAID</b>   | <i>Identify staff member(s) directly responsible for the data, preferably the specific position title or role rather than the employee’s name.</i>  |
| <b>Baseline Timeframe</b>   | An initial baseline measure must be established.  |
| <b>Rationale for Targets</b> (optional for USAID)   | <i>Explain the general basis on which targets are set for the indicator.</i>  |
| <b>Dates of Data Quality Assessments (DQA) and name of reviewer</b>                                 | <i>Dates of each DQA must be indicated as well as the name of the corresponding USAID staff member responsible for the review.</i>  |

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| <b>Date of Future DQAs</b><br>(optional for USAID)  | <i>Date of future planned DQAs should be indicated.</i>   |
| <b>Known Data Limitations</b>   | <p><b>Known Data Limitations for Key Results 11.1-11.5</b> (as defined by <a href="#">USAID DQA Guidance</a>):</p> <p>As many identified data limitations are common to indicators for all key results in the enforcement-prosecution chain, all data limitations to Key Results 11.1-11.5 are considered collectively in this field.</p> <p><b>Validity:</b></p> <ul style="list-style-type: none"> <li>• The number of illegal products detected in local markets or transit points may underestimate levels of illegal trade, as black market trade may not be detectable. The representativeness of samples can be difficult to judge.</li> <li>• Enforcement agencies may be unwilling or unable to grant access to official enforcement records because those records are seen as sensitive, potentially embarrassing, or possibly damaging to the agencies.</li> <li>• Tracking individual cases from detection through conviction and penalty can be difficult due to differing procedures and record-keeping across agencies.</li> </ul> <p><b>Reliability:</b></p> <ul style="list-style-type: none"> <li>• Official records may be poorly maintained; there can be little consistency in the content or quality of the records that are kept. Electronic case files are rare, and paper case files may not be managed or organized in a systematic way.</li> <li>• Tracking individual cases from detection through conviction and penalty can be difficult due to differing procedures and record-keeping across agencies.</li> </ul> <p><b>Timeliness:</b></p> <ul style="list-style-type: none"> <li>• Tracking time served may fall outside the project timeframe.</li> <li>• Official records may not be consistently kept or regularly updated.</li> </ul> |

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|   | <p><b>Precision:</b> It may be problematic to attribute the achievement of any of the five steps of the enforcement-prosecution chain to project efforts, as various other factors may come into play.</p> <p><b>Integrity:</b> Reporting of detected crimes by patrols or others tasked with doing so can be vulnerable to corruption.</p>   |
| References  | <p>1. United States Fish and Wildlife Service. 2014. Standard Measures of Effectiveness and Threats for Wildlife Conservation in Central Africa: Guidance for USFWS Applicants. Version 1.0. Washington, DC.</p> <p>2. USAID. 2017. <i>Measuring Efforts to Combat Wildlife Crime: A Toolkit for Improving Action and Accountability. Version 1.3.</i> USAID Forestry and Biodiversity Office. Available at:<br/> <a href="https://rmportal.net/biodiversityconservation-gateway/legality-sustainability/wildlife-crime/measuring-efforts-to-combat-wildlife-crime">https://rmportal.net/biodiversityconservation-gateway/legality-sustainability/wildlife-crime/measuring-efforts-to-combat-wildlife-crime</a></p> |

\* All fields are required if this indicator is reported in USAID Performance Plan and Report (PPR), unless the field is marked “optional for USAID.” Non-USAID users should select only PIRS elements that are appropriate to their needs.